

REMARKS

In the May 18, 2004 Office Action, Claims 1-20 are withdrawn and claims 21-40 are pending and rejected variously against 35 USC §112-second paragraph and 35 USC §102(b). Claims 21-40 have been currently amended to claim the subject matter of the invention in a manner to address the rejections as detailed in the Office Action and with regards to telephonic discussions with Examiner Korie H. Chan conducted July 13, 2004. Applicants express appreciation to Examiner Chan for the time she gave for the interview.

SECTION 112 REJECTIONS

Claims 21-27 have been amended to distinctly claim and point out the subject matter of the invention. Additionally, Claims 21 and 26 have been amended to cure antecedent basis issues.

SECTION 102(B) REJECTIONS

Claims 21-40 have been currently amended to obviate the rejections based upon Huot (U.S. Patent 3,979,035) and Moran (U.S. Patent 1,480,829).

Huot requires the use of a cinching-like chain in cooperative deployment with other multiple parts to secure a tire to a stock rack. Huot uses a concave cradle-like shelf or platform to temporarily engage the outer circumference part of a tire in order to position the tire for a subsequent securing action against horizontal truck bed rack slats using the other multiple parts. The other parts provide a fastening function and include chain links, threaded bolts, and adjustable nuts.

In particular, Huot positions the tire to the tire rack via the wheel cradle, then engages to the tire hub's axle hole using "...a chain 16 at an appropriated link. The adjustable nut-like member 36 is then adjusted by turning the handle upon the treaded end of the shaft to tighten the spare tire against the stock rack..." to pull the tire against the rack slats of the stock rack display. In sum, Huot requires the coordinated interplay of multiple parts to position and secure a tire to a rack.

Moran's teaching similarly concerns a multi-component device, namely an apparel hanger. Moran requires at least four major components to hang apparel. These major components include a hook 3, a ledge 4, and a *slotted* shiftable arm 6'. The ledge 4 and the arm 6' have various subcomponent structures necessary in order for the coordinated interplay among the other three major components to function as an apparel hanger.

In contrast, preferred and alternate embodiment of the instant invention's Hoist Tire Hanger do not require the coordinated interplay of multiple parts to secure a tire to a hoist arm. Claims 21-40 have been currently amended to particularly claim the non-pivotable and pivotable embodiments that are locked to a user-selected hoist member location upon engagement with a tire without the need for fasteners.

Applicant contends that the claims as currently amended are novel over Huot and Moran, and respectfully requests the allowance of claims 21-40. For a claim to be anticipated, each and every element, either expressly or inherently described, must be set forth in a single prior art reference (*Vandegaal Bros. V. Union Oil Co. of California*, 814 F.2d. 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). Applicants respectfully submit that the currently amended claims are patentable because neither Huot nor Moran teaches expressly or inherently each and every element of currently amended claims 21-40 for the non-pivotable and pivotable embodiments of the Hoist Tire Hanger.

If the Examiner disagrees, and believes each and every element of the pending and now amended claims are taught by the cited references, the Examiner is respectfully requested to specifically identify in Huot or Moran, by line and column, the teaching of the following combination of elements: a tire hanger having a hoist wrap section having an open end arranged to removably engage to a horizontal support member of a vehicle hoist, a tire hanging section arranged to engage a wheel, and a middle section disposed between the hoist wrap section and the tire hanging section, whereby the hoist wrap section is wrapped around the horizontal support member and is slidably positionable along the support member at a

user-selected location. To the best of Applicant's review of the Office Action cited prior art, neither Huot nor Moran teaches expressly or inherently each and every of the above elements from currently amended claim 21.

Dependent Claim 22 adds a limitation wherein the hoist wrap section is configured to accommodate *horizontal support members* having varying dimensions without the need for fasteners. This Claim 22 is allowable for the same reasons that Claim 21 is allowable, as discussed above. It is further allowable, especially as amended, for the additional reason that the extra limitation of being configured to accommodate horizontal support members of vehicle hoists without the need for fasteners is not taught by Huot or Moran. On the contrary, both Huot and Moran require fasteners to work at all. Moreover, neither are even designed for, or usable with, horizontal members of vehicle hoists. If Applicant is mistaken, Examiner is respectfully requested to specifically identify where those features or elements are taught by Huot or Moran.

Dependent Claim 23 adds a limitation wherein the tire-hanging section is *upwardly angled* to hold *an automotive wheel* through *an axle hole* of the wheel. Along with the limitations from Claim 21, applicants respectfully assert that neither Huot and Moran teach the use of a hoist tire hanger holding an automotive wheel through the axle hole via the upwardly angled tire hanging section. If Applicant is mistaken, Examiner is respectfully requested to specifically identify where those features or elements are taught by Huot or Moran.

Dependent Claim 24 adds a limitation wherein *the length* of the middle section is configured to accommodate supports *members* having varying dimensions such that the tire hanging section *receives* the wheel *at a distance defined by the length of the middle section*. Along with the limitations from Claim 21, applicants respectfully assert that neither Huot and Moran teach the use of a hoist tire hanger as claimed in the combination of Claim 21 and 24.

If Applicant is mistaken, Examiner is respectfully requested to specifically identify where those features or elements are taught by Huot or Moran.

Similarly, the Examiner is respectfully asked to identify columns and lines in Huot or Moran where the teaching of a tire hanger having a strip of material configured to removeably engage a horizontal support member of a vehicle hoist at a user-selected position, the strip having a first end arranged to wrap around the horizontal support without the need for fasteners, a second end having a hook configuration to engage a wheel, and a middle section disposed between the first end and the second end having, the middle section having an articulated joint between the first end and the second end and having a length suitable for engaging the second end with an axle hole of the wheel to position the wheel in an approximately vertical orientation, such that the weight of the wheel bearing upon the second end is conveyed through the middle section to the first end to lock the first end at the user-selected position. To the best of Applicant's review of the Office Action cited prior art, neither Huot nor Moran teaches expressly or inherently each and every of the above elements from currently amended claim 26.

Dependent Claim 27 adds a limitation wherein the hook configuration holds the wheel at approximately the same height as the axle of *a vehicle supported by the horizontal member*. To the best of Applicant's review of the Office Action cited prior art, neither Huot nor Moran teaches expressly or inherently each and every of the above elements from currently amended claims 26 and 27.

Similarly, the Examiner is respectfully asked to identify the column and lines in Huot or Moran where the teaching of a tire hanger comprising a strip of material configured to removeably engage a horizontal support member of a vehicle hoist at a user-selected position, the strip having a first end arranged to wrap around the horizontal support without the need for fasteners, a second end having a hook configuration to engage a wheel, and a middle section disposed between the first end and the second end, the middle section having

an articulated joint between the first end and the second end and having a length suitable for engaging the second end with an axle hole of the wheel to position the wheel in an approximately vertical orientation, such that the weight of the wheel bearing upon the second end is conveyed through the middle section to the first end to lock the first end at the user-selected position. To the best of Applicant's review of the Office Action cited prior art, neither Huot nor Moran teaches expressly or inherently each and every of the above elements from currently amended claim 30.

Similarly, the Examiner is respectfully asked to identify in Huot or Moran the teaching of a tire hanger comprising a strip of material configured to removeably engage a horizontal support member of a vehicle hoist at a user-selected position, the strip having a U-shaped first end arranged to wrap around the horizontal support of a vehicle hoist without the need for fasteners, a hooked-shaped second end to engage a wheel, and a middle section continuously disposed between the first end and the second end, the middle section having a pivotable joint and a length suitable for the second end to engage the wheel to position the wheel in an approximately vertical orientation, such that the weight of the wheel bearing upon the second end is conveyed through the middle section to the first end to secure the first end at the user-selected position. To the best of Applicant's review of the Office Action cited prior art, neither Huot nor Moran teaches expressly or inherently each and every of the above elements from currently amended claim 33.

Dependent Claim 34 adds a limitation wherein the pivotable joint is rotatable about an axis and includes a bearing assembly, a pin, and a frictional locking device to position and hold the wheel in a *plurality* of locations relative to the hoist. To the best of Applicant's review of the Office Action cited prior art, neither Huot nor Moran teaches expressly or inherently each and every of the above elements from currently amended claims 33 and 34. If Applicant is mistaken, Examiner is respectfully requested to specifically identify where those features or elements are taught by Huot or Moran.

Similarly, the Examiner is respectfully asked to identify in Huot or Moran the teaching of a tire hanger comprising a strip of material configured to removeably engage a horizontal support member of a vehicle hoist at a user-selected position, the strip having a U-shaped first end arranged to wrap around a horizontal support of a vehicle hoist without the need for fasteners, a hooked-shaped second end to engage an axle hole of a wheel, and a middle section disposed between the first and second ends and having a pivotable joint and length suitable for positioning the second end to engage the wheel and to pivot the second end from the first end, such that the weight of the wheel bearing upon the second end is conveyed through the middle section to the first end to secure the first end at the user-selected position along the horizontal support. To the best of Applicant's review of the Office Action cited prior art, neither Huot nor Moran teaches expressly or inherently each and every of the above elements from currently amended claim 36.

Similarly, the Examiner is respectfully asked to identify in Huot or Moran the teaching of an ergonomic vehicle hoist accessory comprising a hoist connection end configured to wrap around a horizontal support member of a vehicle hoist at a user-selected location; a wheel support end configured to support a wheel for a tire, and a middle section disposed between the hoist connection end and the wheel support end so as to transfer the weight of the wheel to the hoist connection end and lock the vehicle accessory at the user selected location. To the best of Applicant's review of the Office Action cited prior art, neither Huot nor Moran teaches expressly or inherently each and every of the above elements from currently amended claim 38.

New Claim 41 includes a hoist wrap section having an open end shaped so as to removeably and slidably wrap at least partially around and hang from a horizontal support member of a vehicle hoist; a tire hanging section arranged to engage a wheel; and a middle section disposed between the hoist wrap section and the tire hanging section. Neither Huot nor Moran teach a device shaped to wrap around the horizontal support member of a vehicle

hoist. Neither teach a device shaped so as to be removable and slidable relative to a horizontal support member of a vehicle hoist. If Applicant is mistaken, Applicant respectfully requests the Examiner to identify by column and line where each of these elements is specifically taught by the references.

Applicants respectfully request allowance of currently amended claims 21-40.

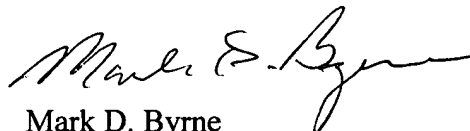
New claims 41-47 claim the non-pivotable and pivotable embodiments of the Hoist Tire Hanger in a manner not taught by the Huot or Moran. Applicants assert that new claims 41-47 are patentable and earnestly request allowance.

CONCLUSION

Applicant requests consideration and allowance of pending claims 21 - 47.

Respectfully submitted,

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MAIL CERTIFICATE

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September 20, 2004

Date of Deposit


Myla Kent